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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/915,671

07/26/2001

Patricia J. Mikula

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03/16/2004

EXAMINER

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ART UNIT

PAPER NUMBER

3762

10

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,671

Applicant(s)

MIKULA ET AL.

Examiner

Roderick Bradford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,9-11 and 13-35 is/are pending in the application.
- 4a) Of the above claim(s) 21-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,9-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,8. 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 28, 2003 have been fully considered but they are not persuasive.

Referring to claim 7, applicant states that the Feng reference, the Halpern reference, and the Mann reference do not teach an "illuminating component that illuminates the work surface". However this is not persuasive since the light source is a diffuse light source and it inherently illuminates the work surface. Therefore the three references meet the claim limitation and the rejections are maintained.

Referring to claim 9, applicant states the Mann reference does not teach the printer prints a graphical waveform representing the electrical activity of the heart. However this is not persuasive since Mann does teach the printer prints a graphical waveform representing the electrical activity of the heart, see also column 8 line 53 – column 9 line 2 and column 10, lines 35-41). Also referring to claim 14, applicant states that the Mann reference does not show a power source of an instrument connected to both a printing component of the instrument and to an illuminating component. However this is not persuasive sine the components are connected through internal circuitry. Therefore all the rejection is maintained with respect to the Mann reference.

Election/Restrictions

2. Newly submitted claims 21-35 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The originally filed claims are independent of the newly submitted claims 21-35 in that the originally

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filed independent claims do not call for "a display located at a second elevation higher than the first" nor a "a support located above the work surface and including a plate that can carry a monitor" as stated in newly submitted claims 21 and 27.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-35 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Feng et al. U.S. Patent No. 5,649,544.

Referring to claim 7, Feng discloses a testing instrument comprising:

- an instrument for monitoring the electrical activity of a patient's heart (column 2, lines 20-26) and said instrument including a work surface (10) the top of the instrument where the printer is located and any other space on the instrument
- a light source (14)

It is inherent that that element 14 illuminates the workspace since computer monitors emits light.

5. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Halpern et al. U.S. Patent No. 5,687,717.

Referring to claim 7, Halpern discloses a testing instrument comprising:

- an instrument for monitoring the electrical activity of a patient's heart (column 11, lines 50-16) and said instrument including a work surface (19) and any other surface on the instrument
- a light source (14 and 22)

It is inherent that that element 14 and 22 illuminates the workspace since computer monitors emits light.

Referring to claim 19, Halpern discloses a medical testing system comprising:

- an instrument for monitoring the electrical activity of a patient's heart (column 11, lines 50-16) and said instrument including a work surface (19)
- a first component for illuminating the instrument (14 and 22)
- a second component for decoding instructions received from the user (column 5, lines 30-32)
- a third component for providing power to the first two components and for remotely controlling the first component (abstract).

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6. Claims 7, 9-11, 13-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mann et al. U.S. Patent No. 5,833,623.

Referring to claims 7, 9, 13-15 and 20, Feng discloses a testing instrument comprising:

- an instrument for monitoring the electrical activity of a patient's heart (column 7, lines 50-57) and said instrument including a work surface (examiner considers the table or any surface in Fig. 1 to be the work surface)
- a light source (126)
- a component for printing on a medium, moving across the work surface, a graphical waveform representing the electrical activity of the heart (column 7 lines 35-37 and lines 50-57) a power source coupled to the component for printing (inherent)
- a supporting component engaging the instrument for supporting the light source (10).

It is inherent that that element 126 illuminates the workspace since computer monitors emits light.

Referring to claim 16, wherein the instrument further includes a keypad, adjacent the work surface (column 8, lines 57).

Referring to claim 18, wherein the illuminating component illuminates the keypad (column 8, line 57).

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

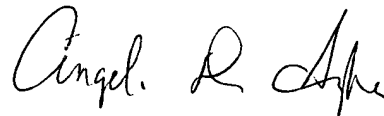
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Bradford whose telephone number is (703) 305-3287. The examiner can normally be reached on Monday - Friday 7 a.m. - 4 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703) 308-5181. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.


R.B.



ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
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